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Conley Rose I	7590 12/29/2006	· ·	EXAMINER		
Conley Rose, P.C. P.O. Box 684908 Austin, TX 78768-4908			RUTTEN, JAMES D		
			ART UNIT	PAPER NUMBER	
			2192		
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Applicat	ion No.	Applicant(s)				
Office Action Summary		10/655,3	326	WALDREP, TROY S.				
		Examine	<u> </u>	Art Unit				
		J. Derek	Rutten	2192				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
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Status					- '			
1)[	Responsive to communication(s) filed on This action is <b>FINAL</b> . 2b) Since this application is in condition for a closed in accordance with the practice un	This action is llowance excep	non-final. ot for formal matters, pro		merits is			
Dispositi	on of Claims		•					
5)□ 6)⊠ 7)□ 8)□ Applicati	Claim(s) 1-42 is/are pending in the application of the above claim(s) is/are with Claim(s) is/are allowed.  Claim(s) 1-42 is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and control of the specification is objected to by the Example of the specification is objected to be specification in the specification is objected to be specification.	thdrawn from co			, .			
10)⊠	The drawing(s) filed on <u>04 September 200</u> Applicant may not request that any objection to Replacement drawing sheet(s) including the of the oath or declaration is objected to by the same of the control of the contro	03 is/are: a)  to the drawing(s) correction is requi	be held in abeyance. See ired if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CF	FR 1.121(d).			
Priority u	ınder 35 U.S.C. § 119			•				
a)[	Acknowledgment is made of a claim for for All b) Some * c) None of:  1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International Biee the attached detailed Office action for	iments have be iments have be e priority docum Bureau (PCT Ru	en received. en received in Application nents have been receive alle 17.2(a)).	on No ed in this National	Stage			
2) 🔲 Notice 3) 🔯 Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-94 nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date 1/15/04, 11/21/05.	48)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	te				

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#### **DETAILED ACTION**

1. Claims 1-42 have been examined.

## Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (see page 16 line 6). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

## Claim Objections

3. Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend it to place it in proper dependent form, or rewrite it in independent form. Parent claim 20 is directed to using program instructions to automatically navigate through the web page, while claim 24 merely recites navigating through the website. Note that the term "website" does not have strict antecedent basis, but is broadly interpreted as being supported by the term "web page," which appears in line 3 of claim 20.

#### Claim Rejections - 35 USC § 101

- 4. 35 U.S.C. 101 reads as follows:
  - Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
- 5. Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claim 1 recites, "a storage medium comprising program components," which

appears to be directed to functional descriptive material. First, the program components appear to be stored on a "storage medium" that is not necessarily employed through technology (i.e. a computer component) that would enable their functionality to be realized. Second, the claim does not appear to provide a practical application. The use of language such as "program components [that are] *utilizable*," or "program components *for* extracting," does not allow the functionality of any components to be positively realized. Further, there does not appear to be a tangible result. For example, claim 1 recites, "program components for extracting scripted content." However, the mere extraction of content does not provide a tangible result that would provide utility. In contrast, a computer readable storage medium comprising components that extract content and then save it in a database would allow further use of the content that would provide a tangible result that establishes utility. See MPEP 2106. Claims 2-15 are rejected for failing to cure the deficiencies of parent claim 1.

- 6. Claims 16-20 and 24 are rejected for the same reasons as those presented above in the rejection of claims 1-15.
- 7. Claims 21-23 are rejected for the same reasons as those presented above in the rejection of claims 1-15.
- 8. Claims 25-35 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claim 25 is directed to a "storage medium comprising program instructions executable using a processor." Recitation of a "processor appears to provide the required computer components that would allow functionality to be realized. However, there does not appear to be a tangible result. For example, claim 25 recites, "navigating... parsing... executing... and searching." However, this does not provide a tangible result that would provide

utility. In contrast, searching and extracting content and then saving it in a database that would allow further use of the content would provide a tangible result that establishes utility. See MPEP 2106. Claims 26-35 are rejected for failing to cure the deficiencies of parent claim 25.

9. Claims 36-38 and 40-42 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claim 36 is directed to a "computer-implemented method," and "extracting... to a target location." As indicated below, the limitation of "extracting... to a target location" is unclear. However, the specification describes extracting information from websites "to a target location" at the top of page 24. Nonetheless, without explicitly saving or storing such information, it would not be available as a tangible result in order to provide patentable utility. In contrast, claim 39 includes "posting data upon a website" which makes the extracted information available, and provides a tangible result necessary for utility. See MPEP 2106.

## Claim Rejections - 35 USC § 112

- 10. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 11. Claims 36-38 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 12. Claim 36 contains the limitation "extracting...the information of interest to a target location" (see lines 19-20 on page 30, filed 9/4/03). The phrase "extracting...to a target location" is unclear. The word "extracting" should be used with the preposition "from" to

indicate the source of the extraction, and "to" to indicate the destination. For further examination, this will be interpreted as "extracting from one or more websites, independent of user intervention, the information of interest to a target location." Claims 37-42 are rejected as being dependent upon a rejected base claim.

#### Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 14. Claims 1-7, 10, 13, 14, 16, 17, 20, 24-26, 28-36, and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,209,007 to Kelley et al. (hereinafter "Kelley").

In regard to claim 1, Kelley discloses:

A storage medium comprising program components which are executable through a common application program interface and are utilizable by a developer to write programming instructions (see column 4 lines 58-65, e.g. "instructions...may be stored in...media"), wherein the program components comprise:

a first program component for adaptively navigating through one or more websites; See Fig. 3, element 102, e.g. "Identify Levels." Also see column 6 lines 46-48: When a web page presents another web page when an item is selected from the first web page, this represents one level in the web page hierarchy.

and

one or more additional program components for extracting scripted content from the one or more websites. See Fig. 5, element 340, e.g. "Extract Javascript Code."

In regard to claim 2, the above rejection of claim 1 is incorporated. Kelley further discloses: wherein the first program component comprises coding directives which are utilizable by the developer to write program instructions for conditionally navigating through the one or more websites. See column 6 lines 32-35, e.g. "Boolean search."

In regard to claim 3, the above rejection of claim 1 is incorporated. Kelley further discloses: wherein the first program component comprises coding directives which are utilizable by the developer to write program instructions for facilitating navigation through the one or more websites. See column 6 lines 44-48, e.g. "Identify the levels."

In regard to claim 4, the above rejection of claim 3 is incorporated. Kelley further discloses: wherein the coding directives are utilizable by the developer to selectively write the program instructions associated with facilitated navigation. See column 6 lines 44-48, e.g. "Identify the levels."

In regard to claim 5, the above rejection of claim 1 is incorporated. Kelley further discloses: wherein the one or more additional program components is further for

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extracting unscripted content from the one or more websites. See column 6 lines 32-35, e.g. "HTML source file."

In regard to claim 6, the above rejection of claim 5 is incorporated. Kelley further discloses: wherein the one or more additional program components comprise a second program component for standardizing the scripted and unscripted content. See column 6 lines 32-35, e.g. "return those lines."

In regard to claim 7, the above rejection of claim 5 is incorporated. Kelley further discloses: wherein the one or more additional program components comprise a second program component with coding directives which are utilizable by the developer to write program instructions for generating a model of logical structure of the scripted and unscripted content. See Fig. 2, e.g. "Customized Web Page."

In regard to claim 10, the above rejection of claim 1 is incorporated. Kelley further discloses: further comprising a means for interpreting different scripting languages. See column 6 line 52, e.g. "other language code."

In regard to claim 13, the above rejection of claim 1 is incorporated. Kelley further discloses: wherein the first program component is further for accessing data other than what may be configured to be displayed on a browser as characterized by a structural layout of an accessed website. See column 4 lines 2-7, e.g. "javascript."

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In regard to claim 14, the above rejection of claim 1 is incorporated. Kelley further discloses: coding directives for posting data on the one or more websites. See column 6 lines 63-64, e.g. "Store the new web page."

In regard to claim 16, Kelley discloses:

A storage medium (see column 4 lines 58-65, e.g. "media") comprising coding directives which are utilizable by a developer for writing program instructions with which to standardize content on a web page. See column 6 lines 32-35:

The user is able to specify a complete Boolean search that will search all lines in the HTML source file and return those lines in a temporary file for examination by the user.

Boolean directives are utilizable by a developer to produce a file according to the standards specified by the directives.

In regard to claim 17, the above rejection of claim 16 is incorporated. Kelley further discloses: wherein the coding directives are utilizable by the developer for writing program instructions with which to convert web content of non-standardized format on the web page into a well-formed format. See column 6 lines 32-35, e.g. "return those lines."

In regard to claim 20, the above rejection of claim 16 is incorporated. Kelley further discloses: further comprising another set of program instructions utilizable by the

developer for writing program instructions with which to automatically navigate through the web page. See column 6 lines 32-35.

In regard to claim 24, the above rejection of claim 20 is incorporated. All further limitations have been addressed in the above rejection of claim 20.

In regard to claim 25, Kelley discloses:

A storage medium comprising program instructions executable using a processor (see column 4 lines 58-65, e.g. "instructions...may be stored in...media") for:

navigating through a website to access information; See Fig. 5 element 300.

parsing the accessed information into a model of logical structure; See column 6 line 54, e.g. "Identify source HTML tags." Note that this requires parsing in order to determine whether or not there is a tag. Further, HTML defines the model. Identification of tags proceeds to identify the HTML model.

executing a scripting language embedded within the website such that information corresponding to the scripting language can be parsed into the model of logical structure; See Fig. 5, element 350, e.g. "Build New Code." Also column 7 lines 23-25.

Note that javascript is "executed" such that new code is built, parsed, and searched.

searching for content within the model of logical structure. See column 7 lines 49-52, e.g. "search."

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In regard to claim 26, the above rejection of claim 25 is incorporated. Kelley further discloses: wherein the program instructions are further for accessing the website without a user interface. See Fig. 3 and column 6 lines 49-52. Website is accessed, searched, and results saved without depending upon a user interface.

In regard to claim 28, the above rejection of claim 25 is incorporated. Kelley further discloses: wherein the program instructions are further for automatically extracting the content to a target location. See column 6 lines 63-64.

In regard to claim 29, the above rejection of claim 28 is incorporated. Kelley further discloses: wherein the target location is a text file. See column 6 line 63. Note that web pages are stored as html files, which are required to be text files.

In regard to claim 30, the above rejection of claim 28 is incorporated. Kelley further discloses: wherein the target location is a database. See column 3 lines 18-29.

In regard to claim 31, the above rejection of claim 28 is incorporated. Kelley further discloses: wherein the program instructions are further for simultaneously processing multiple requests to extract content from one or more web pages. See column 6 lines 30-32, e.g. "items."

In regard to claim 32, the above rejection of claim 25 is incorporated. Kelley further discloses: wherein the program instructions are further for posting data upon the website. See Fig. 2. Note that display of the customized web page by web browser 30 requires the data to be "posted" on a website, otherwise the browser would not be able to access the data.

In regard to claim 33, the above rejection of claim 25 is incorporated. Kelley further discloses: wherein the program instructions are further for monitoring the status of the accessed information on the website. See column 2 lines 38-42.

In regard to claim 34, the above rejection of claim 33 is incorporated. Kelley further discloses: wherein the program instructions are further for sending an alert upon detecting a change in the status of the accessed information. See column 9 lines 30-31.

In regard to claim 35, the above rejection of claim 33 is incorporated. Kelley further discloses: wherein the program instructions are further for automatically inducing the program instructions for partitioning, querying and automatically extracting upon detecting a change in the status of the contents on the one or more websites. See column 9 lines 4-5.

In regard to claim 36, Kelley discloses:

A computer-implemented method for obtaining a collection of information from one or more websites (See Figs. 3-8), comprising:

accessing the one or more websites; see column 6 lines 44-48, e.g. "web page hierarchy."

partitioning contents on the one or more websites into a model of logical structure; see column 6 lines 30-32, e.g. "identify the items to be searched."

querying the model of logical structure for information of interest; see column 6 lines 49-52, e.g. "search"

and

automatically extracting [from one or more websites], independent of user intervention, the information of interest to a target location. See column 6 lines 63-64, e.g. "Store the new web page."

In regard to claim 39, the above rejection of claim 36 is incorporated. Kelly further discloses: posting data upon a website in response to the step of extracting the information to a target location. See Fig. 2. The customized web page is extracted from multiple sources, posted, and then accessed by web browser 30.

In regard to claims 40-42, the above rejection of claim 36 is incorporated. All further limitations have been addressed in the above rejection of claims 33-35, respectively.

15. Claims 21-23 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0143821 by Jakubowski (hereinafter "Jakubowski").

In regard to claim 21, Jakubowski discloses:

A storage medium (See page 7 paragraph [0049], e.g. "memory") comprising a first set of coding directives utilizable by a developer to write programming instructions which reference XPath query language. See page 2 paragraph [0023], e.g. "XPath."

In regard to claim 22, the above rejection of claim 21 is incorporated. Jakubowski further discloses: a second set of coding directives utilizable by the developer to write programming instructions for generating a model of logical structure of content from one or more websites, See paragraph [0023], e.g. "template." wherein the first set of coding directives is utilizable by the developer to write programming instructions for searching for information of interest within the model of logical structure using the XPath query language. See paragraph [0023].

In regard to claim 23, the above rejection of claim 22 is incorporated. Jakubowski further discloses: wherein the second set of coding directives are further utilizable by the developer to write programming instructions for standardizing content on the one or more websites. See paragraph [0023], e.g. "template."

### Claim Rejections - 35 USC § 103

- 16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 17. Claims 8, 9, 11, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claims 1, 7, 10, and 16 above, and further in view of U.S. Patent No. 7,047,318 to Svedloff (hereinafter "Svedloff").

In regard to claim 8, the above rejection of claim 7 is incorporated. Kelley does not expressly disclose: wherein the one or more additional program components comprise a third program component with coding directives which are utilizable by the developer to write program instructions for searching for information within the model of logical structure. However, Svedloff teaches that program instructions can be used to search for information within a model of logical structure. See column 8 lines 2-7, e.g. "DOM." It would have been obvious to one of ordinary skill at the time the invention was made, to use Svedloff's model search with Kelley's program component in order to provide desired dynamic content in a web page (see Svedloff column 8 lines 6-7).

In regard to claim 9, the above rejection of claim 8 is incorporated. Kelley does not expressly disclose: wherein the coding directives of the second program component comprise program instructions which index web page content to increase the rate at

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which information is searched for within the model of logical structure. However, Svedloff teaches using a table to store data. See column 9 lines 3-5, e.g. "table." It would have been obvious to one of ordinary skill at the time the invention was made, to use Svedloff's table with Kelley's program component in order to provide quick reference to the model (see Svedloff column 9 line 5).

In regard to claim 11, the above rejection of claim 10 is incorporated. Kelley further discloses: wherein the first program component comprise coding directives utilizable by a developer to write program instructions for: recognizing a scripting language embedded within the one or more websites; See Fig. 5, element 360. Kelley does not expressly disclose: executing the embedded scripting language using said means. However, Svedloff teaches executing a scripting language. See column 3 lines 20-21. It would have been obvious to one of ordinary skill at the time the invention was made, to use Svedloff's teaching of execution with Kelley's scripting language in order to manipulate requested content (see Svedloff column 3 lines 24-29).

In regard to claim 15, the above rejection of claim 1 is incorporated. Kelley does not expressly disclose: wherein the program components comprise coding directives utilizable by a developer to write event driven program instructions. However, Svedloff teaches using Java Server Pages for interactive web pages. See column 2 lines 21-23. It would have been obvious to one of ordinary skill at the time the invention was made, to

use Svedloff's teaching of Java Server Pages with Kelley's components in order to provide interactive services.

In regard to claim 19, the above rejection of claim 16 is incorporated. All further limitations have been addressed by the above rejection of claim 8.

18. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 10 above, and further in view of U.S. Patent No. 6,976,216 to Peskin et al. (hereinafter "Peskin").

In regard to claim 12, the above rejection of claim 10 is incorporated. Kelley does not expressly disclose: wherein the means for interpreting different scripting languages is configured to allow the developer to select a scripting language from a plurality of scripting languages with which to develop the program instructions.

However, Peskin teaches that web browsers/operating system are configured to allow a developer to select a scripting language. See column 5 lines 32-38. It would have been obvious to one of ordinary skill at the time the invention was made, to use Peskin's teaching of web browsers/operating systems with Kelley's scripting languages in order to accommodate languages that are often used (See Peskin column 5 lines 32-33).

19. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 16 above, and further in view of U.S. Patent No. 6,681,217 to Lewak (hereinafter "Lewak").

In regard to claim 18, the above rejection of claim 16 is incorporated. Kelley teaches using a Boolean search to search for content (see Kelley column 6 lines 32-35). Kelley does not expressly disclose: wherein the coding directives are utilizable by the developer for writing program instructions with which to standardize spaces within the web page content. However, Lewak teaches using a Boolean search with regular expressions to search for spaces (see column 8 lines 54-55. It would have been obvious to one of ordinary skill at the time the invention was made, to use Lewak's teaching of spaces with Kelley's Boolean search in order to provide powerful searching (see Lewak column 2 lines 34-36).

20. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied to claim 26 above, and further in view of U.S. Patent No. 6857124 to Doyle (hereinafter "Doyle").

In regard to claim 27, the above rejection of claim 26 is incorporated. Kelley discloses a client accessing a website. Kelley does not expressly disclose: wherein the program instructions are further for mimicking a browser authorized to access the website. However, Doyle teaches that an API can be used to mimic a browser. See

description under Fig. 1. It would have been obvious to one of ordinary skill at the time the invention was made, to use Doyle's teaching of browser mimicry with Kelley's client in order to allow plug-ins to be used by script-based applications (see Doyle column 3 lines 38-40).

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Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley as applied 21. to claim 36 above, and further in view of Jakubowski.

In regard to claim 37, the above rejection of claim 36 is incorporated. Kelley does not expressly disclose: standardizing the contents on the one or more websites into a standard format prior to the step of partitioning. However, Jakubowski teaches standardizing the content. See paragraph [0023], e.g. "template." It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Jakubowski's teaching of templates with Kelley's search specification so a search may be customized according to the needs and limitations of a particular device and/or user (See Jakubowski paragraph [0008].

22. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley and Jakubowski as applied to claim 37 above, and further in view of Svedloff.

In regard to claim 38, the above rejection of claim 37 is incorporated. Kelley and Jakubowski do not expressly disclose: executing a script embedded within the one or

more websites prior to the step of querying. However, Svedloff teaches executing scripts. See column 3 lines 20-21. It would have been obvious to one of ordinary skill at the time the invention was made, to use Svedloff's teaching of execution with Kelley's scripting language in order to manipulate requested content (see Svedloff column 3 lines 24-29).

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571)272-3703. The examiner can normally be reached on T-F 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TUAN DAM SUPERVISORY PATENT EXAMINER

jdr